

Earthjustice requests a fee waiver based on the following:

1. The subject of the requested records concerns the operations or activities of the government, specifically EPA's investigation of the State of Hawaii Department of Agriculture's (HDOA's) and Hawai'i Agribusiness Development Corporation's (ADC's) compliance with Title VI of the Civil Rights Act of 1964.
2. The disclosure is likely to contribute to an increased public understanding of EPA's operations and activities with respect to oversight of state compliance with, and enforcement of, the Civil Rights Act, in that the records, which are not otherwise publicly available, directly reflect the role EPA plays in overseeing HDOA's and ADC's compliance; the depth of EPA's investigation of HDOA's and ADC's compliance and enforcement; the quality of EPA's oversight and investigation; and the effects of EPA's policies, regulations, and actions on public health and safety. The requested records will show the extent to which HDOA and ADC are effectively enforcing laws and regulations that protect public health and safety from the potentially harmful effects of pesticides, and the extent to which EPA is effectively overseeing that enforcement through its investigation of EPA Complaint Nos. 44RNO-16-R9 (HDOA) and 45RNO-16-R9 (ADC).
3. The extent to which the Civil Rights Act is effectively being enforced in Hawai'i is a matter of broad public interest, as demonstrated by local and national media

attention, and public participation in private, local and state efforts regarding civil rights and pesticide regulation and enforcement. Earthjustice has been, and will continue to be, actively engaged in promoting public education and public participation in this area. For example, Earthjustice is representing clients in the Title VI complaint giving rise to the documents requested, as well as other lawsuits seeking better regulation of pesticides in Hawai‘i and throughout the United States, and to compel enforcement of the Civil Rights Act and other laws as they may affect exposure to pesticides and the rights of indigenous communities.

Earthjustice actively promotes public education on civil rights, and on pesticide regulation and enforcement, such as through social media, materials on its website including blog posts, participating in public forums on the subject, and organizing community meetings on the subject, as well as through Earthjustice’s litigation–related statements and materials. Earthjustice has extensive expertise in the Civil Rights Act and other laws and regulations governing civil rights and pesticides, as well as related scientific expertise.

4. Earthjustice intends to broadly disseminate the material requested to increase public understanding of how, and how effectively, the Civil Rights Act is being enforced in Hawai‘i, as well as to examine the requested material for possible relevance to the ongoing legal action intended to better protect public health and the environment from pesticides. At present, the public has little, if any,

understanding of the extent to which EPA investigates HDOA's and ADC's activities in this regard, specifically through its investigations that resulted in Informal Resolution Agreements with both HDOA and ADC. HDOA and ADC provide the public with no such information. The requested documents therefore will greatly increase public understanding of these matters.